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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIRBY SPENCER,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 2:14-cv-01648-LDG-GWF

**STIPULATION TO STAY DISCOVERY
AND EXTEND THE DISCOVERY
DEADLINES
(First Request)**

Pursuant to Local Rules 6-1 and 26-4, Plaintiff, KIRBY SPENCER ("Plaintiff"), and Defendant, WELLS FARGO BANK, N.A. ("Defendant"), hereby stipulate as follows:

WHEREAS, a Complaint was filed in this matter on October 7, 2014 (Dkt. No. 1);

WHEREAS, Plaintiff thereafter filed an Amended Complaint on October 27, 2014 (Dkt. No. 5);

WHEREAS, Defendant timely filed an Answer to Amended Complaint on December 23, 2014 (Dkt. No. 10);

WHEREAS, the Plaintiff and Defendant held a FRCP 26(f) meeting and LR 26-1(e)

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1 on January 20, 2015;

2 WHEREAS, thereafter and without notice, Plaintiff filed a Motion to Amend/Correct
3 Complaint on February 3, 2015 requesting the matter be amended to a class action (Dkt. No.
4 12);

5 WHEREAS, a Joint Stipulated Discovery Plan and Scheduling Order is due by
6 February 6, 2015;

7 WHEREAS, by filing the Motion to Amend/Correct Complaint, the Parties realize that
8 if granted, the scope and timing of discovery would change;

9 WHEREAS, the Plaintiff and Defendant desire to avoid incurring further attorneys'
10 fees associated with discovery while the Motion to Amend/Correct Complaint is pending;

11 WHEREAS, the Plaintiff and Defendants have conferred and agreed to seek a stay of
12 discovery until the Court rules on the Motion to Amend/Correct Complaint;

13 WHEREAS, if Plaintiff's Motion to Amend/Correct Complaint is granted, the Parties
14 would will need to hold a new FRCP 26(f) meeting and LR 26-1(e) and seek SPECIAL
15 SCHEDULING REVIEW REQUESTED pursuant to LR 26-1(d); and

16 WHEREAS, if Plaintiff's Motion to Amend/Correct Complaint is denied, the Parties
17 would then seek to agree to the 180 day rules under and LR 26-1(e).

18 IT IS HEREBY STIPULATED that:

19 1. Plaintiff and Defendants mutually request that the Court stay all discovery in
20 this action until the Court rules on the Plaintiff's Motion to Amend/Correct Complaint; and

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2. Upon a decision of Plaintiff's Motion to Amend/Correct Complaint by the Court, the Parties will have thirty (30) days to hold a new FRCP 26(f) meeting and LR 26-1(e) conference and thereafter shall have fourteen (14) days after the Fed. R. Civ. P. 26(f) conference to submit a stipulated discovery plan and scheduling order:

Dated this 6th day of February, 2015.

CRAIG K. PERRY & ASSOCIATES

/s/ Craig K. Perry
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Kirby Spencer

Dated this 6th day of February, 2015.

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ORDER

IT IS SO ORDERED.

Dated this 13th day of February, 2015.


UNITED STATES MAGISTRATE JUDGE

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